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Board Meeting – August 12, 2013

21st Floor – Conference Room 1

Present Board Members:

- Walter White, Executive Office of Public Safety Designee, Chair (WW)
- Diane McLeod, Vice Chair (DM)
- Myra Berloff, Massachusetts Office on Disability (MB)
- Andrew Bedar, Member (AB)
- Mark Trivett, Member (MT)

and

- Thomas Hopkins, Executive Director
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

Members Not Present:

- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- Carol Steinberg, Member (CS)
- Gerald LeBlanc, Member (GL)

- Meeting began at 9:00 a.m.

1) **Incoming:** Strathmore Mill Footbridge, 20 Canal Road, Turner Falls (V13-216)

TH - EXHIBIT – variance application

- footbridge to series of mill buildings on an island
- accessible parking spaces on the island
- existing bridge, renovating
- exhibit conflict slightly

- in one exhibit, it says you have to pass through a building to get to the Strathmore Mill, the center mill at the island
- mill buildings being repurposed for art galleries

MB - hearing

AB - second – carries

Carol Steinberg, Member (CS) – Now present

2) Incoming: Roberts and Associates Realty, 48 Housatonic St., Lee (V13-225)

TH - EXHIBIT – variance application

- 3.3.1a, work performed
- seeking variance for lack of accessible entrance at the existing building
- no room for accessible entrance based on the height of the porch
- 18 feet at the front, 4 feet at the side to the driveway
- front to sidewalk is 13 feet
- repair of the front porch due to deterioration of the front porch based on age
- realty company
- need to replace floor joists and support beams
- 1100 square feet building
- realtor, so out of the office listing properties and selling properties

CS - grant, based on tech. infeasibility, on the condition that they accommodate anyone unable to access the office and stair handrails comply

DM - second – carries

3) Incoming: Sidewalk and Curb cuts, 14-20 East Main St., Merrimac (V13-208)

TH - EXHIBIT

KS - already decided this last meeting

- separate file

4) Incoming: Sidewalk at LaMasse Way, Outside Tip O'Neil Federal Building, Boston (V13-237)

TH - EXHIBIT – variance application

- seeking to waive two week waiting period
- already on site

DM - waive the two-week waiting period

MT - second - carries

MB - aren't they not supposed to use bricks anymore?

TH - they are not supposed to use bricks for new construction, but can replace bricks at existing sidewalks for patch work

- this is just for repair at a vault

CS - how many bricks are they taking out?

MB - would have liked to have seen a line
- making assumptions without a definitive area of work

MT - grant as proposed

AB - second – carries with MB and CS opposed

Raymond Glazier, Executive Office on Elder Affairs Designee (RG) – Now Present

5) Incoming: Nathaniel Allen House, 35 Webster St., Newton (V13-219)

TH - EXHIBIT – variance application
- renovation in phases of a historic house, to be open to the public without full access in Phase 1
- spending \$100,000 in Phase 1, \$3million in Phase 2
- seeking 6 variances
- providing accessible entrance, toilet room and parking
- partial use of the building
- Phase 2, overall renovation
- just asking to use the first floor in Phase 1

DM - approve the Phase 1 work and allow temporary CO once the work is completed

AB - second – carries

DM - hearing for Phase 2 variance requests

CS - second - carries

6) Incoming: High School Press Box at 100 Rothburn Willard Drive, Attleboro (V13-213)

TH - EXHIBIT – variance application
- 42 x 60 forward entrance, side exit vertical wheelchair lift to access the press box

MB - grant

DM - second - carries

7) Incoming: Pool house and Teen Center, Lincoln Village, 134 Country Club Blvd, Worcester (V13-215)

TH - EXHIBIT – variance application
- interior and exterior renovation for access compliance

- spending \$175,000.00, \$264,000.00 with elevator; spending over 30% either way
- 5 step change in level, seeking variance for no vertical access
- usable space at the upper level is only 800 sq. ft
- use the lower level currently, when person with disabilities attends events at the building
- proposing a new vertical wheelchair at one area, to connect to pool area
- seeking no access to the second floor activity room and storage

DM - grant, for the lack of access to the second floor activity room, on the condition that any activity held at the second floor, can be held at the first floor activity room if someone is unable to access the second floor activity room

AB - second

CS - for kids, there is a potential that other kids will go up to that room

- would like to know how much how much a lift would cost to access that second floor

- segregated

- Carries, with DM, MT and AB in favor; CS, RG and MB opposed; WW votes in favor, motion

carries

8) Discussion: Letter from Disability Law Center, requesting Staff generated complaint for a Hollister Store at Burlington Mall

TH - EXHIBIT - letter from DLC

- Hollister Store at Burlington Mall

- store was completely inaccessible

- porch stairs to the main entrance

- side doors next to the porch were not working with the automatic doors, door tried to opened but were locked shut

- no clear signage at the side entrances that they were accessible

- no signage at the accessible doorways, to tell what side of the store you are entering “dudes” or “betties”

- also seeking to re-inspect of stores in the state for access

MB - complaint for Hollister Store at Burlington Mall

- complaint on not just entrances, but also lack of access to the porch

- why not just filing the complaint outright, not asking for the staff to file a complaint

WW - wait to see how Kingston complaint finalizes and then that could require work to be done at all of the Hollister Stores with porches

MB - if they continue to affirm jurisdiction and authority given to require all the stores be made accessible

TH - go to Doug Martland, AG, and DPS Legal Staff to discuss this letter

MB - advice to proceed on this letter, complaining about the Burlington Hollister Store, in light of the Kingston Store

DM - second – carries with CS abstaining

WW - locked accessible doors in Burlington, need to refer to Local Building Department to look into why the doors were locked

- require him to report back to the Board Staff by a certain date

MB - how does that differ from the lack of access complaint?

WW - locked accessible alternate door, separate from the stairs up to the porch

TH - there are 11 stores with a stepped porch, there are 5 that are not

- the assumption is that if the decision of the Board is upheld by the court, then orders will be sent to the other 11 stores

- accessibility that they are provided is not working, since the doors are locked

MT - wasn't that part of the original Kingston complaint that the doors were locked

TH - yes

- the original complainant noted that the accessible doors were locked and not working

- she then amended her complaint about the steps being built at the entrance

MT - think that you should ask Martland about proceeding with even the locked doors at the side entrances

WW - locked egress

MB - brief was the best brief ever written by Doug Martland

- great picture of the case

WW - need to make the Burlington Building Official aware of the locked egress door

TH - need to talk to Doug first

WW - suggesting that send complaint

TH - would have to send a first notice

9) Discussion: Bancroft Commons, 50 Franklin St., Worcester (C11-040)

TH - continue the hearing at the last meeting of the Board

- Walter Zalenski (WZ), Chief of Elevator Inspectors wanted to appear to discuss the hearing before the Elevator Board

WW - WZ sworn in

- Bancroft Commons brought before the Elevator Board

- elevator was required by the inspector to be brought into compliance with the current code

- Mayo Group is contesting that, since it is a modernization of the elevator and not a new elevator

- Mayo Group is being fined based on the elevator board's inability to make the decision at their August 8th hearing, since researching the requirements of the current code
- asking to hold fines

DM - stay the fines

- WZ
- two main elevators are not operable, and one behind
 - the one behind is in working order

DM - stay the fines until decision rendered by the elevator Board, and require that status report submitted

*MB - need to reassess the elevator
- dealing with a lot of hypothetical's*

- WZ
- decision will be made at the 20th

MB - stay the accrual of the fines (August 6th-26th), to be reviewed on August 26th at which time the fines will be revaluated the based on the decision of the elevator board from their August 20, 2013 decision; keep the status report requirement, submit that by the 23rd to the Board

- WZ
- they are disputing having to bring the elevator up to code, need to research the legal interpretations on the code

CS - second – carries

DM - add and expedite

RG - second - carries

Gerald LeBlanc, Member (GL) – now present

10) Incoming: Schwabb Natatorium, Eagle Brook School, 2 Rice's Ferry Rd, Deerfield (V13-211)

- TH
- EXHIBIT – variance application
 - spending over 30%
 - constructed new in 1995, with opinion written by the Board at the time
 - 1994 opinion of the Board, did not require vertical access within the two-story building
 - interior stairs
 - there is an exterior route around the building, but no evidence of the route in application
 - since spending, 1994 opinion is moot

MB - deny variance requested

CS - second – carries

CS - read 1994 opinion letter from the Board

11) Incoming: Samba West, 1583 Worcester Rd., Framingham (V13-220)

TH - EXHIBIT – variance application
- restaurant undergoing renovation
- 3.3.1b, spending over \$100,000.00, also change of use
- restaurant expanding to small space at second floor
- upper level is stated to be overflow seating for the function room
- letter for David Correia from Metrowest Center for Independent Living Center, cannot support variance
- letter from Karen Dempsey, Commission on Disability, commission met and voted to not support the variance
- \$32,000 for a wheelchair and would trigger code review for the entire building, would trigger \$200,000 worth of additional work

MB - the vast majority of the first floor is accessible

MT - only 16 seats, 8 tables

MB - grant, based on excessive cost without substantial benefit to persons with disabilities; on the condition that there is a written policy in place that priority seating at the first floor for persons with disabilities, and any private function scheduled that will include a person with a disability will be held at the first floor and notice of that accommodation policy in all of their advertisements for functions

DM - second – carries with CS opposed

CS not present

12) Incoming Discussion: New England Oral Surgery, 2 Andover Rd., Billerica (V13-102)

TH - EXHIBIT – change in plan for the ramped entry location
- came before us in May 6, 2013
- issued a Notice of Action on May 8th
- L on the existing house is on a rubble stone foundation, so jacked it up and put new foundation
- after the work was done, the grade change increased for the side entrance at the end of the L
- ramp now turns to new entrance which is right at the reception desk now
- the accessible parking is located adjacent to the ramp
- ramp will be compliant

MB - grant as proposed with change plans

MT - second – carries

13) Incoming Discussion: Salem YMCA, 1 Sewall St., Salem (V13-198)

- TH - EXHIBIT – new submittal, letter dated 8/9/13
- on July 29, 2013, continued for full review of compliance with 521 CMR
- would like to amend the docket to include amendments and review of entire building by 9/30/13 date, but would like the Board to rule on the original variance requested for the new mezzanine
- Shawn McDuff from Independent Living Center for North Shore and Cape Ann supported the variance
- seeking variance for the lack of access to the balcony

KS - this is the case where the building was occupied by one tenant previously, but since split to two tenants, the access to the mezzanine is not available, as it would be through another tenant space

MB - grant the variance for the lack of access to the mezzanine as proposed, on the condition that there is written policy for priority seating for those unable to climb the stairs, will receive premiere seating at the first floor, and that this policy be advertised

MT - second

TH - Shawn McDuff's letter read into the record
- recommendation for granting the variance, only concern is lack of access to sound and lighting at the mezzanine level
- would like to require that plug-in availability at the first floor for access to sound and lighting

MT - it is noted on the plans submitted as a location at the first floor available for sound and lighting plug-in
- motion carries

CS now present

14) Incoming: Lincoln Village Office Building, 37 Pleasant Valley Dr., Worcester (V13-214)

- TH - EXHIBIT – variance application
- existing admin building for housing, 1,212 units
- over 30%
- lift to upper levels would be excessive cost
- each half level is accessed by flight of stairs
- “office staff” at the upper levels, so almost “employee-only”, but not laid out as only paid employees
- just getting to offices

MB - continued for more information; need to know who is going to use the deck, and need affidavit about office use

DM - second – carries

15) Hearing: Mixed Use Building, 10 Green St., Boston (V13-207)

- WW - called to order at 11 a.m.
- introduce the Board

Tom Harden, Owner/Architect (THa)

Sylvia Mihich, Owner/Architect (SM)

- WW - both sworn in
- EXHIBIT 1 – AAB1-43

- THa - Owners/Architects for 10 Green Street, Jamaica Plain
- three tenants in the building
 - one tenant is doing renovation is reducing space from 4500 to 2500 square feet
 - remodeling the remaining portion of that space for another tenant
 - property abuts the health center at the west side, but has street frontage on green street and greenview ave.
 - Greenview Avenue is a residential area
 - sidewalks in the area are interrupted with utility poles, lamp poles and signage
 - these obstructions make passage by a person in a wheelchair almost impossible at the sidewalk
 - Greenview side is 5 feet higher than Green St. side
 - building occupies more than 95% of the lot
 - both entrances (two in total) are at the sidewalk
 - the building is a combination of two buildings, it is on record as one property, but it was originally constructed as two separate buildings, Greenview side built first, and then Green Street side built in the 1940s,
 - Green street floor got extended under the Greenview at some point in time
 - the Green Street side has two tenant spaces, JP Animal Clinic has been leasing the 10A space since 2006; Neighboring Health Center uses the 10B space as an administrative annex, leasing since 2009
 - each space has accessible entrances and accessible toilet rooms at the first floor
 - stairs up to greenview ave. is second means of egress; other than that, no connection to greenview side of the property
 - Greenview Ave has two levels (Level 1 and 2)
 - Greenview 1 is 5 feet above sidewalk; Greenview 2 is 15 feet above sidewalk
 - current tenant occupies both spaces, but consolidating into one
 - two entrances, but one primary entrance for the Greenview tenant spaces and the Green Street tenant spaces
 - plan to improve Greenview 1 space to improve west side entrance, new accessible toilet room, HVAC and some window replacement
 - improvements trigger sprinkler requirements for the building, which trigger full compliance with 521 CMR
 - but no work proposed at the Greenview 2 space
 - seeking variances for lack of accessible routes, elevator and toilet rooms

- WW - no partial application?

- KS - no, triggering 30% for the entire building, and they are the owners doing the work
- THa - seeking variance for the lack of an accessible route to the building, sidewalks are not compliant along the existing path of travel to the building
- existing floor at the west and east entrances are 2 and 6 inches above the sidewalk, and neither entrance can be made accessible
- DM - what is located in that building?
THa - community vet and health center (used primarily as annex admin building, with large room used for fitness classes)
- THa - as an alternative to the lack of accessible route at the Greenview side, explored option of creating access to the Greenview tenant spaces via Green Street
- due to the Greenview tenant spaces being set back, it would require the creation of a corridor through the Green Street tenant spaces to a new elevator lobby
- there is no good corridor location, but there is a plan to locate the corridor at the west wall of the 10A Green Street space
- but this plan would require the loss of valuable program space
- both Green Street tenants have invested heavily in their space, and any work within their space would be technologically infeasible and the cost would be prohibitive; approximately \$300,000
- also variance for accessible 25.1
- KS - so variance is for the lack of accessible entrance and route to Greenview Ave tenant spaces
THa – yes
- GL - why not entrance at Green Street
SM - in order to get to the Greenview spaces would be to create the corridor thru the Greenview space
- AB - exterior access, any discussions with the City to move any of the elements at the sidewalk to create an accessible route
THa - there are 2 utility poles and one lamp pole, so have not spoken with the City
- AB - elevator would have to have side opening?
THa - yes, at the upper levels
- AB - cost of \$339,100 is for that corridor plan
THa - yes
- CS - elevator is included in \$339,000 cost
THa - yes
- includes corridor and the elevator
- CS - width of corridor?

THa - shown as 5 foot wide, but a 3 foot corridor would be very difficult

CS - Greenview 1 will be vacant, unsure of tenant
- Greenview 2 will be existing 10

THa - yes, Greenview 2 will be picture framer and square footage at 2 is slightly larger due to lack of additional circulation spaces

CS - leases?

THa - both Green Street spaces are under long term leases

- when does Animal Clinic expire?

THa - lease runs through 2016, with every indication that she will expand the lease

CS - taking space of that tenant

THa - established tenant spaces, and taking the space even in 2016 would make the space not usable for the Animal Clinic

RG - exercise area is accessible

SM - yes, and accessible toilet rooms also provided

MB - grant relief for 20.1 and 20.2 and 25.1, since there is no control over the sidewalk adjacent to the Greenview Avenue and the Petitioners had proven that tech. infeasible and excessive cost to create accessible entrance to Greenview Avenue tenant spaces

DM - second

CS - add to motion about if the lease is not renewed and new tenant in the space, then have them look into the corridor plan again

WW - can't tie them to that

- carries as originally proposed

THa - seeking variance for the lack of access to the Greenview spaces, 28.1

- based on infeasibility of providing an accessible route to an elevator lobby

- AAB26, cost of installing a LULA is \$120,000, for 2-door LULA, for those entering at Greenview sidewalk level

- full elevator would require more funds to accommodate larger footprint and door configuration

- cost of installing a LULA or an elevator would be an excessive cost without substantial benefit to persons with disabilities

CS - grant variance for the lack of vertical access to the Greenview spaces, based on exc. cost without substantial benefit to persons with disabilities

DM - second –carries

THa - seeking variance to not make the Greenview 2 toilet room accessible

- Greenview 2 toilet room is inaccessible as it exists and was the only toilet room for both Greenview tenant spaces

- proposing two accessible unisex toilet rooms at the Greenview 1 tenant spaces
- seeking variance to not modify the Greenview 2 toilet room since no work is being plan at this tenant space
- tenant is simply moving his entire business to Greenview 2, from Greenview 1 and 2 previously, and construction in the Greenview 2 space would impact their tenant spaces
- loss of program space at Greenview 2 would be exc. cost without substantial benefit
- variances for 11.4, 26.5, 30.1, 30.2, 30.4, 30.7, 30.8, 30.9, 30.11 and 30.12 for second floor toilet rooms
- no existing toilet room at Greenview 1, will create the two accessible toilet rooms

MB - grant all variances requested for the Greenview 2

KS - variances for 11.4, 26.5, 30.1, 30.2, 30.4, 30.7, 30.8, 30.9, 30.11 and 30.12

GL - second

CS - interior access between the two spaces

THa - yes, two stairs

SM - egress stair at West side

- new tenant at Greenview 1

CS - add amendment that lease language says that Greenview 1 accessible toilet rooms are available for those unable to use that inaccessible Greenview 2 toilet room

MB - do not add to motion, maintain motion as is

- carries with CS opposed

WW - 11.1 and 30.2 for Greenview 1 are covered in first motion

KS - yes...since the requests are duplicative

MB - the toilet room in the upper left hand corner for Greenview 1 does not appear to be compliant

THa - intention is that it will be compliant

- these drawings are preliminary and not finalized

MT - appears that one of the grab bars is short as well

MB - yes and skewed wall

MB - granted relief for the lack of access for Greenview, but will put compliant hardware at the doors, and compliant handrails at the stairs

THa – yes

No More Andy Bedar

16) Incoming Discussion: Law Office, 688 Washington St., South Easton (V13-209)

MT - recuse and leave room

TH - reviewed by the Board on July 29, 2013

- policy submittal

CS - *accept submitted policy*

MB - *second – carries*

17) Incoming: Motor Sports International, 44 Washington St., Auburn (V13-200 & C11-135)

- TH - EXHIBIT – variance application
- complaint originally regarding location of accessible parking spaces
 - hearing was held on May 20, 2013, order to find in favor of the complainant, and require variance application be submitted to the Board
 - also sent Mark Dempsey out to do a site visit
 - new issue before the Board, based on Mark's site visit
 - site report from Mark Dempsey (read into the record by DM)
 - ramp for cars to drive into the building to park in the showroom
 - seeking variance relief to not have to altar the ramp
 - will have Mark come up to testify...hold off decision till testimony from him

NO DM

18) Incoming: Washington Park Apartments, 2037 Columbus Ave., Roxbury (V13-212)

- TH - EXHIBIT – variance application
- residential complex of existing apartment buildings
 - renovation of the building
 - only 18 units
 - proposing to create a Group 2A unit (not required)
 - seeking a variance for the front entrance to the building, with a ramped rear entrance

DM now present

MB - *grant as proposed for 25.1*

GL - *second – carries with DM abstaining*

19) Incoming: Motor Sports International, 44 Washington St., Auburn (V13-200 & C11-135) – Cont'd

- WW - motion to reopen

CS - *reopen*

GL - *second – carries*

- WW - Mark Dempsey, Compliance Officer for the Board sworn in

- MD - original complaint was regarding location of accessible parking space

- couldn't bring ramp out any further because it would be impeding fire lanes
- accessible entrances 60 feet in each direction from accessible parking provided
- Thrifty Car Sales
- they will provide another accessible parking space at the other side of the building

MB - moved accessible parking space from car entrance to building

MD - yes, but just one space over and equidistant to each accessible entrance
 - will provide accessible parking space at other side of building

TH - variance section not written on the application, but for the variance required for the accessible parking location and the sloped entrance

DM - grant the variance requested for parking location

MB - second, on the condition that second accessible parking space provided as proposed

DM - accept
- carries

MB - grant the variance for the lack of compliant slope and level landing at the motor vehicle entrance, on the condition not used for pedestrian and directional signage posted directing to closest accessible entrance

DM - second - carries

20) Incoming: Motor Sports International, 44 Washington St., Auburn (V13-200 & C11-135) – Cont'd2

MB - directional signage and additional parking space by September 6, 2013

GL - second - carries

21) Discussion: Barrington St. Company, 36 Linden St., Pittsfield (V13-217)

TH - already case file on this
 - new amendment to the application is the vertical access
 - previous case only triggered the bathroom and the entrance
 - hearing was scheduled regarding the signage being removed (9/23/13)
 - don't want to take any action now, want to discuss this request at the hearing that is already scheduled

CS - add new variance request to the hearing already scheduled

DM - second – carries

22) Discussion: Chestnut Park Apts., Chestnut and Hampden St., Holyoke (V13-082)

TH - EXHIBIT – new letter
 - hearing June 17, 2013, required submittal
 - additional accessible unit

- Building A has two accessible units

CS - accept the submitted plan

DM - second – carries

23) Discussion: Multiple Variances, Multiple Location, Boston (V13-145)

TH - EXHIBIT – seeking additional relief

- awnings over entrances, some cannot be done do to existing overhead fire escapes

- submittal of proposals

- seeking to not provide awnings at those locations because of the fire escapes at those two buildings

MB - 216 Northampton, pooling of water

MB - accept the package and improvements as proposed, and grant relief for no awnings at 38 east Springfield and 216 Northampton; however require that the work done at 216 Northampton address the pooling of water at the entrance

DM - second - carries

24) Incoming: Stoneward Tavern, 139 Lynnfield St., Peabody (V13-218)

TH - EXHIBIT – variance application

- addition to new restaurant/tavern

- new elevated stage

- spending over 30%

- seeking relief for the lack of access to the stage, lift to the stage is \$22,000.

- Tom Muxie wrote a letter of support

- project is completed

GL - deny

CS - second

TH - read letter from Tom Muxie into the record

- carries

25) Incoming Discussion: Multiple Locations, South End, Boston (V13-201)

TH - EXHIBIT – new submittal

- heard on July 29th, continue the width between the handrails and have them submit more information regarding the nosings

WW - wall side handrails at all stairs

- nosings will be mitigated

MB - accept the plan for the mitigation of the nosings

MT - second – carries

MB - accept the proposal for the compliant wall side handrail at all sides, and grant the variance for where they extend

DM - second - carries

26) Advisory Opinion: 42.7.2, Group 1 bathrooms, 1325 Boylston St., Boston

TH - minimum nominal dimensions of 36” x 36”

- would like to use showers with a nominal dimension of 34” x 48”

- seat is now a foot away

MB - 2 inches shorter in depth makes it tighter

MB - does not comply

DM - second – carries

27) Hearing: Town Hall, 59 Main Street, Hatfield (V13-136)

WW - called to order at 2 p.m.

- introduce the Board

Kevin Rothschild-Shea, Architecture EL, Inc. (KRS)

Marcus Boyle, Chair of Hatfield Board of Selectmen (MBo)

WW - both sworn in

- EXHIBIT 1 – AAB1-45

MBo - 3200 population

- largely agricultural

- challenging budget

- Town Hall was built in 1930, with high school at one side, town hall side also housed, gym, auditorium and cafeteria for the school

- originally proposed full renovation, but the funding was turned down at town meeting

- phased work now

- letters of support from ADA Coordinator for the Town, and the Building Inspector

KRS - first phase will create accessible meeting rooms, toilet rooms, and water fountains

- AAB24, creating a series of large offices to expand the current offices

- dividable meeting room (1 to 2)

- accessible men’s and women’s toilet rooms

- accessible drinking fountain

- door hardware is being upgraded
- doors are in hold-open position during office hours
- this floor and lower floors served by existing ramps
- lower level houses police and fire, but by year end, those offices will be relocated to another building
- cost of the proposed work (AAB12), \$494,057, over 30%
- cost of access for the entire building to comply in full, \$710,336; elevator work and then triggers for fire protection and seismic upgrades
- long term plan for accessibility (AAB26 & 27)
- Office 101 and 102, transaction counters that are greater than 36 inches high
- about 38"

MB - these counters are at the accessible first floor?

KRS - yes

- what is the cost to modify them?

KRS - cost for total compliance includes this cost

- can give individual cost estimates

- compliance if required would just result in the removal of the counter

CS - need to know how height?

KRS - Collector and Clerk have compliant transaction heights

CS - more information for counters in Office 101 and 102, regarding existing heights provided, cost of compliance

MB - second, add submittal of pictures as well

- submit by September 6th

CS - accept amendments

- carries

KRS - 20.12, accessible route issue regarding two meeting rooms at the second floor

- providing public accessible meeting space at the first floor

- long term plan, elevator will connect everything

- 5 years for the elevator, because it requires Town Meeting vote and approval

- will follow-up with annual updates

MB - what meetings will take place at the second floor?

MBo - all public meetings will be held at first floor

- no offices at the top floor, proposing possible museum in the future when the elevator is installed

MB - second floor meeting space will not be used when the first floor work is completed

KRS - yes, so technically not open to the public when the work is complete at the first floor

CS - town meetings held here?

MBo - no, held at the school

- funding is in place to do the work

MB - grant a time variance for 5 years, installed and inspected by 9/1/2018, however would like progress reports annually, and at 18 months before 9/1/18 deadline, thorough status report about the elevator

DM - second

CS - problem public meeting at second floor

MB - priority is to have all public use spaces at the accessible level, accessible meeting space will be accommodated; written policy that priority given that all public meetings be held at accessible level, should overflow meetings be held at the second floor, to be put in place once the first floor work is substantially completed

- carries

MBo - (tape)

NO MORE DM

KRS - seeking same timeframe for ramps and entrances to bring them into full compliance
- tearing the ramp out entirely would be required to make it comply
- long term goal is to create a walkway to the entrances
- \$100,000 ramp project, just want to use it until the elevator project

MB - grant time variance for the existing noncompliant exterior ramp, to be done by 9/1/18

CS - second – carries

KRS - 25.1, AAB24 historic front entrance
- primarily the ramp entrance is used for 90% of the building patrons
- existing stair at the historic front entrance

CS - grant variance for the historic front entrance

MT - second – carries

KRS - double-leaf doors, two offices where they are left in the open position during business hours
- lever hardware proposed

MB - grant as proposed

GL - second

CS - what are the offices?

MBo – Town Clerk and Town Treasurer

- how are they kept open

KRS - just stay opening

- carries with CS opposed

KRS - 26.6, doors access police and fire offices at the lower level

MB - grant relief, since these offices will be removed from this location in 6 months

MT - second – carries

KRS - 3 lower level doors, one services the kitchen (staff), 5 & 7 serve rooms 5 & 7, one being the building inspector's office; during office hours, doors are open

MB - submit written policy, that when office is open, the doors are kept in the open position

KRS - wonder if when draft that for the Board's approval, some spaces that they cannot promise

MB - lower level and first floor doors BEO3, 5, 7 etc., all doors that are seeking variances for clearances or door hardware; submit policy to the Board that in those offices effected by those doors, that the Town of Hatfield will keep those doors in the open position during hours of operation for those offices; submit policy by 9/20/13 to be reviewed at 9/23/13

MT - second – carries

CS - upper level doors?

KRS - noncompliance maneuvering clearance and door hardware

- less than 6" clear at stair landings

- majority of the doors at the second floor will be changed when elevator project is completed

CS - grant a time variance for the second floor doors in questions, until such time that vertical access is provided, and knowing that the policy is in effect

RG - second – carries

KRS - handrail extensions at the existing stairs

MB - historic interior handrails, need amended variance for an outright variance for those handrails

- need to know about nosings

- wall mounted handrails?

KRS - wall mounted that do not return, but do extend

MB - continue handrail variance to have the petitioners submit profile of nosings, details, and proposal for the existing stairs, by 9/20/13

MT - second – carries

28) Hearing: 100 Nagog Park, Acton (V13-152)

WW - called to order at 3 p.m.

- introduce the Board

Jason Denoncourt, The Gutierrez Company (Project Manager)

Mike Kunz, Mangel Architects (Project Architect)

- WW - both sworn
- EXHIBIT 1 – AAB1-17
- JD - own a number of properties in suburban Boston
- 195,000 sq. ft vacant office building (5 or so years)
- built in the 1980's for Digital Equipment Corporation
- bought it vacant and it was in disrepair
- primary work was aesthetic for the lobby and then the grounds of the property
- paved over the existing conditions
- when they went to get CO, learned of slight slope issue at the parking
- cost to make the repair would exceed the benefit gained
- met with the Acton Disabilities Commission
- they felt that the issue was a "2 out of a 10", meaning it wasn't as much of an issue
- aerial picture of the site
- WW - accept aerial picture as EXHIBIT 2
- JD - slope of the parking and the slope of the walkway to the front entrance of the building
- put a paver down that is stamped concrete
- MK - cross slope percentage varies at worst case to 3.4%
- one side of the walkway is compliant, the other side is not
- the stamped concrete is just bumpy
- JD - when they talked to the commission, they suggested creating a smoother path through the bench and flagpole area
- also talked about a drop-off spot
- financially to rip up the pavement and redo everything to bring it into compliance \$75,000.00
- GL - one half is not compliant
- MB - to the left side of the flagpole the walkway cross slope complies; at the other side, noncompliant
- WW - AAB14-16, cost estimates
- JD - site contractor estimates to bring the walkway into compliance
- MT - was the handicapped parking always in that area?
JD - yes, just put the spots back where they were
- MT - building official noting another location that may be compliant?
MK - if parking moved closer to the building then would be compliant

JD - moving them closer would be an option, but there would cost for that, would only be room for 3 accessible parking spaces

MB - stamped concrete photograph shows a lot of space for pooling of water, changes in level greater than ¼ inch appear

- stamped design on the walkway, looks similar to the flag stone on the benches

CS - replace the stamped concrete with asphalt

JD - or smooth surface

- yes, and is there another place to put the parking spaces

WW - putting spaces close to the building, may not be allowed because of fire lane

MT - won't happen, need access for equipment and staging area for fire equipment

RG - cross walk to the entrance is level?

MK - yes

MB - is the area in front of the front door stamped concrete as well?

JD - yes

JD - could do a dedicated smooth path, but may end up doing it over completely

WW - what about grinding the existing path of travel

GL - paving contractor should be required to correct the work

MB - grant the variance for the lack of compliant cross slopes at the accessible parking spaces, due to the fact that would have to tear out the entire parking area to comply; exc. cost without subs. Benefit

MT - second – carries

MB - deny the variance for the noncompliant cross slope at the path of travel from the parking lot to the front door has to comply, require compliant path of travel from parking lot to the front door; submit verification of compliance (visual and written) by 12/1/13

WW - can go back and look at it to see if there is a modified way to comply

GL - second – carries

TH - building is still vacant, but potential client on the table

JD - yes, propose to occupy by September 2014

29) Discussion: Hartwell Homes, 1 Citizen Place, Cambridge (V13-210)

TH - met with players, law firm, and coop officers
 - proposed package of access over time
 - have been providing accessible elements upon request
 - letter of opposition from Michael Muehe
 - can either continue to the next meeting
 - vote already taken, prior to the application coming in
 - took a vote to grant the variance application, prior to the formal application submittal, on the condition
that application submitted

CS - *continue Hartwell Homes to next meeting to have TH submit all the information up to date to
the Board to be voted on at next meeting*

MB - *second – carries*

30) Discussion: Meeting Minutes and Decisions from July 29, 2013

CS - did we talk about substantial benefit?

MB - *accept minutes and decisions*

GL - *second – carries with CS opposed.*

- End of Meeting -